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IV. REMARKS

A. Status of the Application

Claim 40 is currently amended. Claims 1-39 and 44-47 have been cancelled. Thus, claims 40-43 and 48-54 are now pending herein. Claim 40 is the sole independent claim remaining in this application and all of the other pending claims now depend, directly or indirectly, from claim 40. Applicants' counsel wish to thank Examiners Flood and Tate for the telephone interview held on May 26, 2004. Consistent with the agreement reached during the telephone interview, favorable reconsideration and allowance of claims 40-43 and 48-54 in view of the foregoing amendments and the following remarks are respectfully requested.

B. Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1, 6-17, 22, 27-36, 40-43 and 48-54 stand rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to provide prior support or antecedent basis for the language "the leaves and stems" in claims 1, 6, 22 and 40. It is believed based on the entirety of the Office action that the reference to "the leaves and stems" is a typographical error and that instead, the allegedly unsupported language is "isolated and purified." It is also noted that claims 1, 6-17, 22 and 27-36 have been cancelled. Therefore, this rejection shall be discussed solely with respect to claim 40 and claims 41-43 and 48-54 which depend therefrom.

As discussed during the telephone interview of May 26, 2004, the present application includes an example directed to a composition of individual sugars. Specifically, please see Example 2 which is directed to a composition that includes 25 kilograms each of galactose, glucose, mannose, N-acetylneuraminic acid, fucose, N-acetylgalactosamine, N-acetylglucosamine and xylose which would have to be isolated and purified at some point. Therefore, consistent with current case law as represented by Fujikawa v. Wattanasin, 93 F. 3d 1559, 39 USPQ2d 1895 (Fed. Cir. 1996):

Ipsis verbis disclosure is not necessary to satisfy the written description requirement of section 112. Instead, the disclosure need only reasonably convey to persons skilled in the art that the inventor had possession of the subject matter in question.

As agreed during the telephone interview of May 26, 2004, the present application clearly conveys to persons skilled in the art that the Applicants had possession of the subject matter of claim 40 and

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claims 41-43 and 48-54 which depend therefrom. Accordingly, Applicants respectfully request that the above-noted rejection under 35 U.S.C. §112, first paragraph be withdrawn.

C. Rejections Under 35 U.S.C. § 102(b)

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) over Yamada, et al., claims 1, 6 and 7 stand rejected under 35 U.S.C. § 102(b) over Endo, claims 1, 6, 16 and 22 stand rejected under 35 U.S.C. § 102(b) over Kovacs, and claims 1, 6, 22, 34 and 35 stand rejected under 35 U.S.C. § 102(b) over Clarke, et al. Insofar as they may be applied against the present claims, these rejections are respectfully traversed.

As noted above, claims 1, 6, 7, 16, 22, 34 and 35 have been cancelled. Accordingly, the rejections of claims 1, 6, 7, 16, 22, 34 and 35 under 35 U.S.C. § 102(b) over the various references noted above are moot and it is requested that they be withdrawn.

D. Rejections Under 35 U.S.C. § 103(a)

1. Claims 1, 6-17 and 27-36 over Yamada, et al, in view of Cayen, et al., Endo, Hilsted, Graves, Balch, et al., Policappelli, et al., Shlyankevich, et al., Bonte, et al., Morrison, Dohnalek, et al. and McAnalley.

Claims 1, 6-17 and 27-36 stand rejected under 35 U.S.C. §103(a) over Yamada, et al, in view of Cayen, et al., Endo, Hilsted, Graves, Balch, et al., Policappelli, et al., Shlyankevich, et al., Bonte, et al., Morrison, Dohnalek, et al. and McAnalley. Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As noted above, claims 1, 6-17 and 27-36 have been cancelled. Accordingly, the rejection of claims 1, 6-17 and 27-36 under 35 U.S.C. §103(a) over Yamada, et al, in view of Cayen, et al., Endo, Hilsted, Graves, Balch, et al., Policappelli, et al., Shlyankevich, et al., Bonte, et al., Morrison, Dohnalek, et al. and McAnalley is moot and it is requested that it be withdrawn.

2. Claims 1, 6-17 and 27-36 over Endo, Cayen, et al. Hilsted, Graves, Balch, et al, Policappelli, et al., Shlyankevich, et al., Bonte, et al., Morrison, Dohnalek, et al. and McAnalley.

Claims 1, 6-17 and 27-36 stand rejected under 35 U.S.C. §103(a) over Endo in view of Cayen, et al., Hilsted, Graves, Balch, et al., Policappelli, et al., Shlyankevich, et al., Bonte, et al.,

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Morrison, Dohnalek, et al. and McAnalley. Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As noted above, claims 1, 6-17 and 27-36 have been cancelled. Accordingly, the rejection of claims 1, 6-17 and 27-36 under 35 U.S.C. §103(a) over Endo in view of Cayen, et al., Hilsted, Graves, Balch, et al., Policappelli, et al., Shlyankevich, et al., Bonte, et al., Morrison, Dohnalek, et al. and McAnalley is moot and it is requested that it be withdrawn.

3. Claims 40, 48-52 and 54 over Murray, et al.

Claims 40, 48-52 and 54 stand rejected under 35 U.S.C. §103(a) over Murray et al. (AQ or V, Robert K. Murray et al., Harper's Biochemistry, Appleton & Lange, 1996, pages 648-649), hereinafter referred to as "Murray". Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

As discussed during the telephone interview on May 26, 2004, while Murray may disclose the principal sugars found in human glycoproteins, Murray does not teach, suggest or motivate a composition that includes nutritionally effective amounts of such sugars. Murray discloses the end product, i.e. glycoproteins, whereas the claimed compositions are directed to the starting ingredients that ultimately lead to the glycoprotein end products. Prior to the claimed compositions, the conventional wisdom in the art was subject to the "glucose dogma", according to which every saccharide can be biochemically synthesized from glucose. Instead, the claimed compositions eliminate the need to synthesize from glucose the various saccharides needed for glycoprotein synthesis by providing the saccharides directly in nutritionally effective amounts. As agreed during the telephone interview of May 26, 2004, Murray does not teach, suggest or motivate such compositions. Therefore, in accordance with the agreement reached during the telephone interview, it is respectfully requested that the rejection of claims 40, 48-52 and 54 under 35 U.S.C. §103(a) over Murray be withdrawn.

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4. Claims 40-54 over Murray in view of Vanderveer and Tamai

Claims 40-54 stand rejected under 35 U.S.C. §103(a) over Murray in view of Vanderveer and Tamai. Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

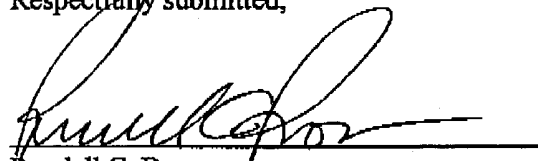
As noted above, Murray does not teach, suggest or motivate the compositions of claims 40-54. It is respectfully submitted that neither Vanderveer, nor Tamai supply the above-noted deficiencies of Murray with respect to claims 40-54. Therefore, the combination of Murray, Vanderveer and Tamai does not teach, suggest or motivate the compositions of claims 40-54. Accordingly, it is requested that the rejection of claims 40-54 under 35 U.S.C. §103(a) over Murray in view of Vanderveer and Tamai be withdrawn.

CONCLUSION

As agreed during the telephone interview of May 26, 2004 and in view of the foregoing amendments and remarks, it is respectfully submitted that claims 40-43 and 48-54 are in condition for allowance. Favorable reconsideration and allowance of claims 40-43 and 48-54 are respectfully requested.

Respectfully submitted,

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